

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID BARRETT YOUNG III, et al.,

v.

**DANIEL BOONE AREA SCHOOL
DISTRICT, et al.**

CIVIL ACTION

No. 24-4729

ORDER

AND NOW, this 2nd day of July, 2025, upon consideration of the Motion to Dismiss filed by defendant Amity Township Police Department (ATPD), the Motion to Dismiss filed by defendants Daniel Boone Area Intermediate Center (“the School”) and Daniel Boone Area School District (“the District”), and the Motion to Dismiss filed by defendant Krise Transportation, Inc., and the oppositions thereto, it is hereby **ORDERED**:

1. The Motion to Dismiss the Amended Complaint filed by ATPD (ECF 21) is **GRANTED**.

The counts against ATPD are **DISMISSED WITHOUT PREJUDICE**.

2. Plaintiff’s brief in response (ECF 27) is **CONSTRUED AS A MOTION** in part for leave to amend the complaint, and it is **GRANTED**. The second amended complaint shall be filed by 20 days after the filing of this order.

3. The Motion to Dismiss the Amended complaint filed by the School and the District (ECF 24) is **GRANTED**.

a. Counts I, II, and III as against the District are **DISMISSED WITHOUT PREJUDICE**.

b. Counts VII, XI, XII, and XIV as against the District are **DISMISSED WITH PREJUDICE**.

- c. All counts as against the School are **DISMISSED WITH PREJUDICE**.
- 4. The Motion to Dismiss filed by Krise Transportation, Inc. (ECF 18) is **GRANTED IN PART** and **DENIED IN PART**.
 - a. The motion is **DENIED** as it relates to Rule 12(b)(7), Rule 12(b)(6), and punitive damages.
 - b. The motion is **GRANTED** as it relates to negligence by spoliation. The count of negligence by Krise only as it relates to spoliation is **DISMISSED WITH PREJUDICE**.
- 5. Since Plaintiffs have been granted leave to amend the complaint in full, Krise shall file a responsive pleading within 20 days of the filing of a second amended complaint or the passing of that amendment's deadline.

BY THE COURT:

s/ Catherine Henry
CATHERINE HENRY, J.